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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,611

09/23/2005

Karl J. Wood

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

FAULK, DEVONA E

ART UNIT

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2615

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,611	Applicant(s) WOOD, KARL J.	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The examiner suggests that the applicant amend the specification to include the appropriate headings.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 recites "program code on a carrier which when executed by processing means". The program code on a carrier is non-statutory language. The office interprets carrier as a signal. The office considers this non-statutory subject matter because it does not fit within the recognized categories of statutory subject matter (See MPEP §2106- §2106.02).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The claim limitation of claim 11 is being treated under 35 U.S.C. 112, sixth paragraph.

The claim recites " means for accessing a stored policy" and "processing means for controlling volume output in dependence on the stored policy" as two separate means. The specification discloses that the microprocessor 34 performs both functions

(page 5, lines 23-page 6, line 2). The claim is therefore indefinite because the specification does not disclose a separate structure for each of the functions as claimed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1,5-7,9,11 are rejected under 35 U.S.C. 102(e) as being anticipated by Madarasz et al. (US 2002/0130834).

Regarding claim 1, Madarasz discloses a method for controlling the volume output of a first device (Figure 1; either of electronic devices 20 of Figure 1 can read on first device; page 3, ¶ 0039; Madarasz teaches that one of parameters that can be adjusted is volume, page 2, ¶ 0015), said device being operable to communicate with a second device (local display device, 10; page 3, ¶ 0039;) over a network link (communications network 11, Figure 2; page 3, ¶ 0039;), the method comprising the second device sending a message to the first device which receives said message, accesses a stored policy (Local display device 10 selects an electronic device identifier 132 and this message is sent to the corresponding device. The device 20 receives the request for its simulation configuration file 131, accesses the simulation configuration

file 131 (stored policy) which is a data file that is stored in the memory of the device that includes the various specifications for that device, page 4, ¶ 0048, and sends that to the simulation viewer 125 of the local display device 10. The user then updates parameters based on the simulation configuration file 131, via the simulation viewer 125; page 2, ¶ 0015, page 5, ¶ 0049- ¶ 0051 and page 6, ¶ 0057) and adjusts said output in dependence on the stored policy (The simulation viewer 125 generates data messages representative of the updated information to control program 130 in device 20 and the control program 130 causes parameters to be set, implicitly that would include volume, based on the stored simulation configuration file; pages 4-5, ¶ 0050 -¶ 0051).

Regarding claim 5, Madarasz discloses wherein following adjustment the output level is determined and included in an acknowledgement message sent by the first device to the second device (Internal management program 136 located in the electronic device 20, sends status and updated parameter settings to simulation viewer 125 located in local display device 10; pages 4-5, ¶ 0050).

Regarding claim 6, Madarasz discloses wherein the stored policy criteria are user definable (the simulation configuration file is user definable; page 5, ¶ 0050).

Regarding claim 7, Madarasz discloses a system for controlling the volume output of a first device (Figure 1; (Figure 1; either of electronic devices 20 of Figure 1 can read on first device; page 3, ¶ 0039; Madarasz teaches that one of parameters that can be adjusted is volume, page 2, ¶ 0015), said device being operable to communicate with a second device (local display device, 10; page 3, ¶ 0039) over a

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network link (communications network 11, Figure 2; page 3, ¶ 0039), the second device having communication means (126 communications device, Figure 2; pages 4-5, ¶ 0050, page 6, ¶ 0058) for sending a message to the first device (Local display device 10 selects an electronic device identifier 132 and this message is sent via communication device 126 to the corresponding device), the first device comprising communication means (communication device 135, Figure 2; pages 4-5, ¶ 0050) for receiving the message (device 20 then receives a request for its simulation configuration file via communication device 135, ¶ 0053) , and processing means (control program 130; pages 4-5, ¶ 0049- ¶ 0051) for accessing a stored policy (The device 20 via control program 130 accesses the simulation configuration file 131 which is a data file that is stored in the memory of the device that includes the various specifications for that device, page 4, ¶ 0048; this reads on stored policy, and sends that to the simulation viewer 125 of the local display device 10 via communication device 135) and for controlling said output in dependence on the stored policy adjusts said output in dependence on the stored policy (The user updates parameters based on simulation configuration file 131, via the simulation viewer 125 . The simulation viewer 125 generates data messages representative of the updated information to control program 130 in device 20, and the control program 130 causes parameters to be set, implicitly that would include volume, based on the stored simulation configuration file; page 2 0015, pages 4-5, ¶ 0050 -¶ 0051,0057).

Regarding claim 9, Madarasz discloses wherein the communication means operate according to a selected one of ZigBee, Bluetooth or IEEE802.11 wireless radio protocols (Madarasz teaches of using the Bluetooth protocol, page 4, ¶ 0040).

Regarding claim 11, Madarasz discloses a device (either of electronic devices 20, Figure 1) for use with the system of claim 7 (See Madarasz as applied to claim 7), said device comprising communication means for receiving a message (communication device 135, Figure 2; pages 4-5, ¶ 0050), means for accessing a stored policy (control program 130 accesses the simulation configuration file 131 which is a data file that is stored in the memory of the device that includes the various specifications for that device, page 4, ¶ 0048; this reads on stored policy) and for controlling volume output in dependence on the stored policy (The user updates parameters based on simulation configuration file 131, via the simulation viewer 125 . The simulation viewer 125 generates data messages representative of the updated information to control program 130 in device 20, and the control program 130 causes parameters to be set, implicitly that would include volume, based on the stored simulation configuration file; page 2 0015, pages 4-5, ¶ 0050 -¶ 0051,0057).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madarasz et al. (US 2002/0130834) in view of Dobbs et al. (US 5,566,237).

Regarding claim 2, Madarasz discloses a policy. Madarasz fails to disclose that the policy (50) contains criteria which includes the time of day to affect said adjustment. Dobbs teaches of affecting a volume adjustment based on a time of day (abstract; column 8, lines 40-50). It would have been obvious to modify Madarasz so that the policy includes criteria which includes the time of day to affect an adjustment so that a pleasant environment can be created for the user.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madarasz et al. (US 2002/0130834) in view of Davidson (US 5,778,077).

Regarding claim 3, Madarasz discloses a policy. Madarasz fails to disclose that the policy contains criteria which includes the number of received messages in a predetermined time interval to affect said adjustment. Davidson discloses affecting a volume adjustment upon sensing that a toggle switch has been pressed twice or three times (received message) within a predetermined time period (column 4, lines 2-25). Two times being representative of a volume up code and three times being representative of a volume down code. It would have been obvious to modify Madarasz so that the policy contains criteria that includes adjusting the volume based on messages received in a predetermined time period so that adjustments can be made automatically.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madarasz et al. (US 2002/0130834) in view of Turner et al. (US 4,052,598).

Regarding claim 4, Madarasz discloses a policy having criteria. Madarasz fails to disclose that the criteria which includes a threshold against which the current output volume is compared to affect said adjustment. Turner teaches of comparing an output volume level to a threshold and adjusting the gain based on the outcome (column 3, lines 41-53). It would have been obvious to modify Madarasz to include criteria that includes a threshold against which the current output volume is compared to affect said adjustment so that adjustments can be made in real time.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madarasz et al. (US 2002/0130834) in view of Huang et al. (US 6,691,081)

Regarding claim 8, Madarasz discloses a first and second device and that the second device (local control device) has a display. Some of the first devices (20) obviously have displays (VCR, Car radio, television). These displays read on indicating means. Madarasz fails to disclose that the indicating means indicates to a user acknowledgement of transmitted and received messages. Huang discloses providing an audio, visual or mechanical signal indicating the reception of a message which inherently indicates the transmission of a message (column 5, lines 38-43). It would have been obvious to modify Madarasz so that the indicating means indicate the transmission and reception of a message so that the user can readily access if there is a problem.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madarasz et al. (US 2002/0130834).

Regarding claim 10, Madarasz discloses wherein the communication means operate according to a wireless protocol and that other types of protocols can be used including conventional protocols (page 4, ¶ 0041). Madarasz does not explicitly teach of a wired protocol. Conventional is defined as conforming with accepted standards or following accepted customs and proprieties. Conventional protocols would obviously then include wired protocols since wired protocols are accepted standards of transmission by those of ordinary skill in the art. It would have been obvious to modify Madarasz by using a wired protocol to provide a conventional method of transmission.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devona E. Faulk/
Examiner
Art Unit 2615
3/10/2008